

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

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| ANTHONY C. KAVANAUGH, #2214786, | § | |
| | § | |
| Plaintiff, | § | CIVIL ACTION NO. 6:19-CV-00150-RWS-KNM |
| | § | |
| v. | § | |
| | § | |
| NORRIS JACKSON, ET AL., | § | |
| | § | |
| Defendants. | § | |

ORDER

Plaintiff Anthony Clayton Kavanaugh, a former inmate confined within the Texas Department of Criminal Justice proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

After review of the pleadings and records, the Magistrate Judge issued a Report on June 21, 2022, recommending that the lawsuit be dismissed with prejudice, as both frivolous and for failure to state a claim upon which relief may be granted. Docket No. 47. A copy of this Report was sent to Plaintiff at his last known address with an acknowledgment card. Plaintiff received a copy of the Report on June 24, 2022. Docket No. 48. To date, however, Plaintiff has not filed any objections. Nor has Plaintiff communicated with the Court since October 2021.

Because no objections to the Magistrate Judge's report have been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C § 636(b)(1)(C);

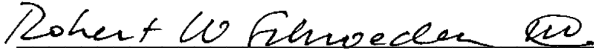
Douglass v. United Services Automobile Assoc., 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the pleadings and the Magistrate Judge's Report and agrees with the Report. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants.’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 47) is **ADOPTED** as the opinion of the Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITH PREJUDICE**, as frivolous and for the failure to state a claim upon which relief may be granted.

So ORDERED and SIGNED this 19th day of July, 2022.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE